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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,941	09/12/2003	Lewis B. Aronson	15436.161.1	8378
22913	7590	11/01/2004	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			ZARROLI, MICHAEL C	
		ART UNIT		PAPER NUMBER
		2839		

DATE MAILED: 11/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,941	ARONSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael C. Zarroli	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 September 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13-19 and 22-24 is/are allowed.
- 6) Claim(s) 1-4,6-12 and 20 is/are rejected.
- 7) Claim(s) 5 and 21 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 10/4/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5 objected to because of the following informalities: There should be a –the—before “cage” in line 1. Appropriate correction is required.
2. Claim 8 objected to because of the following informalities: In line 9 there should be a word before “subdivides.” Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and, 3-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al.

Yamada discloses a pluggable module (figures 6-8) for use with a cage (1) that is adapted to receive modules of different sizes (figures 4-5), the pluggable module comprising: a module body (200, 300, 400); and a plurality of module connectors, wherein, when the pluggable module is received by the cage (figures 9-11), each of the plurality of module connectors (col. 3 lines 46-49) is connected with a corresponding board connector (col. 2 lines 43-45) on a host board on which the cage is mounted (claim 6).

Yamada discloses that the modules have different heights not widths.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the device of Yamada to be able to accommodate modules a various widths instead of different heights. The suggestion for this modification is found in Yamada in column 4 lines 13-20. Claimed variations in relative dimensions, which do not specify a device, which performs or operates any

differently from the prior art, do not patentably distinguish applicant's invention.

Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984).

Regarding claim 3 Yamada discloses that each of two or more of the plurality of module connectors is adapted to receive power from the corresponding board connector (col. 2 lines 43-44).

Regarding claim 4 Yamada discloses that the module body is adapted to be received by a chamber of the cage (28) when a removable septum (14) that divides the chamber into laterally (vertically) displaced subchamber is removed (fig. 5).

6. Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al as applied to claim 1 above, and further in view of applicant cited art Togami. Yamada does not disclose an optical transceiver.

Togami discloses modules that are opto-electronic transceivers (abstract 1<sup>st</sup> sentence).

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify use the card edge connector of Yamada to be able to accept opto-electronic transceivers. A motivation for this adaptation would be to increase functionality of the cage and septum connector of Yamada.

7. Claims 6-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al.

Yamada discloses a host board system comprising: a host board (claim 6) with a plurality of connectors (32); a cage (1) for receiving pluggable modules (fig. 4) and for enabling the pluggable modules to be connected to the connectors (col. 3 lines 46-49), the cage being capable of use in either of at least two configurations, including; a first configuration (fig. 4) in which the cage can accept a plurality of first pluggable modules of a first size, wherein, in the first configuration, the cage includes one or more removable septums (14) positioned between pairs of adjacent pluggable modules (figures 9-10); and a second configuration (fig. 5) in which the cage can accept a second pluggable of a second size (400) that is larger than the first width, wherein, in the second configuration, said one or more removable septums are removed (fig. 11).

Yamada discloses that the modules have different heights not widths.

At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the device of Yamada to be able to accommodate modules a various widths instead of different heights. The suggestion for this modification is found in Yamada in column 4 lines 13-20. Claimed variations in relative dimensions, which do not specify a device, which performs or operates any

differently from the prior art, do not patentably distinguish applicant's invention.

Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984).

Regarding claim 7 Yamada discloses that the one or more septums are removable from the cage through a front opening of the cage (fig. 5).

Regarding claim 8 Yamada discloses all the limitations as outlined above and also a septum engagement mechanism (unnumbered figures 9-11).

Regarding claim 9 Yamada discloses all the limitations as outlined in various paragraphs above.

Regarding claims 10-11 Yamada discloses that a septum (14) that is removably secured (figures 10-11) by the septum engagement mechanism (figures 9-11), wherein the module has a size such that the module is secured between the septum and one of the sidewalls and, a second module that has said width and is secured between the septum and another of the sidewalls (figures 9-10).

Regarding claim 12 Yamada discloses that when the septum is removed from the septum engagement mechanism (fig. 5) and the module has a width such that the module is secured between two of said sidewalls and spans the septum engagement mechanism (fig. 11).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 20 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Longueville.

Longueville discloses a septum (53) for subdividing a chamber (fig. 1) of a cage (100) that receives pluggable modules (12, 13), the septum comprising: a septum body having: a cage engagement mechanism (fig. 5 at 211) that permits the septum to be removably secured by the cage; a first side and an opposite second side that, when the septum is received by the cage, define a wall of a first subchamber and a second subchamber (fig. 4), respectively, of the cage; a first latching mechanism on the first side that is adapted to removably secure a pluggable module in the first subchamber; and a second latching mechanism on the second side that is adapted to removable secure a pluggable module in the second subchamber (unnumbered figures 4 or 5).

***Allowable Subject Matter***

10. Claims 13-19 and, 22-24 are allowed over the prior art of record.
11. Claims 5 and, 21 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 5 the module having a means for engaging the septum engagement mechanism when the septum has been removed and the module is in the cage. Regarding claim 21 septum means for permitting a user to selectively disengage a latch to release the module. Claims 13, 15 and, 22 the heat sink(s) disposed over the chambers. Regarding claim 24 the conductive fingers also on the septum.

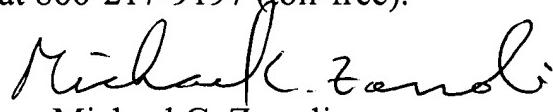
***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knoop, Brusati et al and, Cooke et al teach modules with different sizes fitting into a cage.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Zarroli whose telephone number is 571-272-2101. The examiner can normally be reached on 7:30 to 3:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T.C. Patel can be reached on (571) 272-2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael C. Zarroli  
Primary Examiner  
Art Unit 2839

  
MCZ